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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,415	12/12/2003	Tamotsu Ito		9097

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MATTINGLY, STANGER & MALUR, P.C.
Suite 370
1800 Diagonal Road
Alexandria, VA 22314

EXAMINER

NGUYEN, LINH THI

ART UNIT	PAPER NUMBER
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2627

MAIL DATE	DELIVERY MODE
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04/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/733,415	Applicant(s) ITO ET AL.	
	Examiner LINH T. NGUYEN	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 13-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13-16, and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Since applicant did not challenge the Official Notice taken in the last office action, the Official Notice is now applicant's admitted prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 13-14, 16, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al (US Patent Number 5005088) in view with Mizuno (JP Publication Number 07-296560) and further in view of Kondo (JP Publication Number 02-078081).

In regards to claims 11 and 16, Fukushima et al discloses a camera recording apparatus for recording image data on a disk (Fig. 1, element 81 camera and element 2 disk) supplied with electric power from a battery (Fig. 1, element 93, which includes a battery), comprising: a camera device for producing the image data (Fig. 1, element 81); a disk record and reproducing device for recording the image data produced by said camera device on the disk (Fig. 1, has a camera 81 connected to the recording/reproducing apparatus); and a system controller for controlling said camera recording apparatus (Fig. 1, element 91). Also Fukushima et al discloses monitoring power level to indicate a low power warning and another power level detection that will

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turn the system off (Fig. 3, column 11 line 56-column 13, line 20). However, Fukushima et al does not disclose the ability of having a system controller for forming TOC information during interruption of the power supply.

In the same field of endeavor, Mizuno discloses disclose the ability of having a system controller for forming TOC information during interruption of the power supply (abstract). Further, Kondo discloses that the TOC information is intermediate information (abstract) and the disk is a write-once type (page 4, 3rd paragraph "CD CD-ROM, etc...").

It would have been obvious to a person of ordinary skill in the art to modify the base system of Fukushima et al with the above teachings from both Mizuno and Kondo. The motivation would have been to monitor the power level event trigger an interruption stat so as to record intermediate information upon the disc in order to ensure proper positioning after a restart. This will permit the systems recognized by all three systems to commence upon a proper location when power is resumed.

In regards to claims 13 and 18, Fukushima et al does not but Mizuno discloses a camera recording apparatus, wherein said system controller detects the decrease of the residual storage of the battery during recording of the image data (abstract). The motivation is the same as claim 11 above.

In regards to claims 14 and 19, Fukushima et al and Mizuno do not but Kondo discloses the intermediate information is read out at the appropriate time juncture (abstract). The motivation is the same as claim 11 above.

Claims 15 and 20 are rejected under 35 U.S.C 103(a) as being unpatentable over the art as applied to the claims as stated above, and further in view of Applicant Admitted Prior Art (AAPA).

In regards to claims 15 and 20, the formats recited in these claims are applicant's admitted prior art (AAPA).

At the time of the invention it would have been obvious to a person of ordinary skill to combine camera recording apparatus of Fukushima et al and Mizuno to record in a standard format as suggested in the AAPA. The motivation would have been to process the image with quality on a disk.

Response to Arguments

Applicant's arguments filed 1/26/09 have been fully considered but they are not persuasive. Applicant argues that neither Fukushima et al, Mizuno nor Kondo discloses a write-once type disk. However, Kondo discloses a write once type disk (page 4, "CD, CD-ROM, etc..."). Since the disk is write once type the intermediate information is written only once on the disk.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LINH T. NGUYEN whose telephone number is (571)272-5513. The examiner can normally be reached on 10:00am-7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

April 21, 2009

/Wayne Young/

Supervisory Patent Examiner, Art Unit 2627